

REMARKS

Claims 1-20 remain pending in this application.

35 U.S.C. 102 Rejection

The continued rejection of claims 1-3, 6, 13, 15-17 and 20 under 35 U.S.C. § 102(e) as being anticipated by Junod et al., U.S. Published Application No. 2002/01126094 ("Junod"), is respectfully traversed. In maintaining this ground of rejection, the Office action alleges that the invention as claimed requires "merely that the radio communication unit transmits the movement and button presses of the mouse. The radio communication unit does not need to receive the incoming radio signals from the antenna." See Office action at page 3. To the contrary, claim 1 requires a radio channel sensor coupled to the radio communication unit for sensing at least one physical characteristic of the radio channel, and arranged to cause the data collection unit to enter the normal operating mode if the physical characteristic meets a pre-set threshold.

This is fundamentally different from the hand proximity detector disclosed by Junod. Junod's hand detector does not operate in the radio frequency domain, and thus does not and cannot sense at least one physical characteristic of the radio channel as claimed. Indeed, Junod's hand detection signals would not in principle be altered by changes to the transmitted RF signal. The hand detector of Junod therefore does not rely on a physical characteristic of the radio channel. Further, Junod nowhere discloses any measurement feedback route from the RF transmitter to the hand detector that would enable the hand detector to detect a physical characteristic of the radio channel (and thus cause a data collection unit to enter a normal operating mode, as required by claim 1).

The final rejection states that Junod's hand detector must communicate with the RF circuit to cause it to "wake up," and therefore the hand detector must be capable of sending RF signals otherwise the RF circuit would not be able to identify the wake-up signal. This is incorrect for the following reasons.

First, Junod nowhere discloses that the hand detector transmits RF signals to the RF circuit. Instead, the hand detection circuit communicates with the pointing device microcontroller, which then brings the device out of the idle state by restoring full power

operation (see paragraphs 31 and 32). Therefore, the assertion that the hand detection circuit sends a signal to the RF circuit is incorrect.

Second, even if the hand detection circuit did communicate with the RF circuit, such communication would not be by way of RF signals. The hand detection circuit and the RF circuit are contained in the same input device and therefore any communication between internal circuit modules would be achieved by transmission of direct signaling over hardwired connections. Merely because the RF circuit is capable of detecting RF signals from the antenna, it does not follow that the RF circuit can communicate with other internal circuit components only by RF signals. Further, as the Junod device includes only one antenna, it is simply not feasible that the antenna would be used to both transmit and receive the same signal.

Third, even if the hand detection circuit were capable of transmitting RF signals, it simply does not follow that the hand detection circuit must detect a physical characteristic of the radio channel as claimed.

Finally, Junod fails to disclose that the hand detection circuit causes a data collection unit to enter a normal operating mode if the physical characteristic of the radio channel meets a preset threshold, as further required by claim 1. Accordingly, Junod does not anticipate claim 1, and this ground of rejection should be withdrawn.

Claim 15 requires a **radio channel sensor** coupled to the radio communication unit for sensing a change in at least one physical characteristic of the radio channel that is indicative of use of the device by a user, and arranged to cause the data collection unit to enter the normal operating mode from the low-power mode upon sensing of said change. Claim 20 requires a **wireless communication channel sensor** coupled to a transceiver for sensing a change in at least one physical characteristic of signals received over the wireless channel that is indicative of use of the device by a user, and arranged to cause the wireless device to enter the normal operational mode from the low-power mode upon sensing of said change.

Again, Junod discloses the use of a "hand detection" circuit with an input device such as a mouse, which senses the presence of a user's hand on the mouse by detecting a change in capacitance or inductance of a common antenna also used for

transmitting/receiving RF signals. See Fig. 7. As demonstrated above, the hand detection circuit does not detect physical characteristics of a radio channel. Junod discloses that a switch 130 switches a capacitor 132 and RF circuit 128 into contact with the antenna electrodes during antenna mode, and switches hand detect circuit 126 into contact with the antenna electrodes during a sleep mode. In such configuration, the antenna when used to sense the presence of a user's hand cannot be used to detect any characteristic of a radio channel, as the RF circuit would be disconnected from the antenna in this mode. Further, even in the alternate embodiment where the RF circuit is permanently connected, with only the capacitor 132 being switched in and out, the RF circuit would be powered down because the device is in a sleep mode. See page 4, paragraph 52; therefore the RF circuit would not even in this alternative embodiment detect changes in a radio channel characteristic or changes in signals being transmitted over such radio channel. However even if it were assumed *arguendo* that RF circuit 128 did detect radio channel transmissions when in sleep mode (which it does not as explained above), any such changes would not be used to cause the device to exit from its sleep mode, as such is accomplished only by the hand detect circuit 126. The hand detect circuit 126 does not function to detect changes in radio channel characteristics as the hand detect circuit is not designed to detect RF transmissions and does not detect RF transmissions as explained above.

In view of the foregoing, claims 1-3, 6, 13, 15-17 and 20 are not anticipated by Junod as a matter of fact and law, and this ground of rejection therefore should be withdrawn.

35 U.S.C. 103 Rejections

The rejection of claims 4, 5 and 14 as being unpatentable over Junod also is traversed. Regardless of whether or not it would have been obvious to include the explicit limitations of claims 4, 5 or 14 into the Junod device, these claims would not be obvious as Junod fails to disclose the limitations of the independent claims from which claims 4, 5 and 14 depend. In any event, there is still no evidence presented in the Office action from which the limitations of claims 4, 5 or 14 would be shown to have

been obvious from the Junod disclosure. Withdrawal of this ground of rejection is requested.

The rejection of claims 7-12, 18 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Junod in view of Hinckley et al., U.S. Published Application No. 2002-0021278 ("Hinckley") also is again respectfully traversed. The Office action has failed to respond to applicant's arguments concerning this ground of rejection as required by MPEP § 706.07.

Hinckley discloses a device having multiple sensors which sense the manner in which the device is being handled by a user. Context values developed in response to the sensor signals are then used to control the operation of one or more aspects of the device. Hinckley is simply irrelevant to Junod and irrelevant to the claimed invention. The Junod device is not disclosed as operating differently based on a manner in which it is being handled. As such, there exists no motivation for one skilled in the art to have modified Junod as proposed in the Office action. However, Hinckley further fails to cure the fundamental deficiency of Junod in disclosing the features of the claimed invention as discussed above. Therefore, even if Hinckley were to be used to modify Junod as stated in the Office action, the claimed invention still would not be achieved. Reconsideration and withdrawal of this ground of rejection is therefore requested.

Conclusion

In view of the foregoing, claims 1-20 are respectfully submitted to define patentable subject matter over the prior art of record, whether considered individually or in combination. Accordingly, further and favorable reconsideration and the issuance of a Notice of Allowance are earnestly solicited.

Please charge any fee or credit any overpayment pursuant to 37 CFR 1.16 or 1.17
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RESPECTFULLY SUBMITTED,					
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